

**REMARKS***Amendments to the Specification*

The three replacement paragraphs provided herein correct typographical errors present in the filed specification. In particular, the replacement paragraph for the paragraph at page 12, lines 9 through 17 corrects objection (1) pointed out in the Office Action. The replacement paragraph for the paragraph at page 13, lines 1 through 17 corrects objection (2) pointed out in the Office Action. Finally, the replacement paragraph for the paragraph from page 13, line 19 through page 14, line 6 corrects errors pointed out by objections (3) and (4) in the Office Action. With these amendments, the Objections to the Specification in the Office Action should be addressed.

*Amendments to the Claims*

Claims 1-18 are amended.

Claim 1 is amended to include the recitation that “each guide [is] independently slidable relative to the base.” Support for this amendment is found at page 13, lines 7-8 and 11-12, noting that the first guide is in sliding contact with the base and that the second guide is correspondingly arranged. Claims 6 and 10 are also amended with a similar recitation.

Claim 1 is also amended to replace the phrase “planar base” with the word “base.”

Claim 3 is amended to include the recitation that each guide “includes a lubricious material.” Support for the claims is found at page 7, lines 16-18.

Claim 4 is amended into independent form, including all the limitations from the previous claims from whence it previously depended.

Claim 7 is amended to replace the phrase “movable with respect” with the word “connected.” Support for the amendment is found at page 13, lines 7-8 and 11-12.

Claim 10 is also amended to include the recitation that the tip is substantially concentric relative to the longitudinal axis of the cue stick. Support for this amendment is found at page 16, lines 11-16 of the application.

Claim 10 is further amended to replace the term “arranging” with the term “providing” to clarify the recitation of that step. Accordingly, Claim 11 is amended such that its language is consistent with Claim 10, from whence it depends.

Claim 18 is amended to depend from Claim 10 instead of Claim 13.

Claims 2, 3, and 5-9 are amended to include the same preamble: “The cue stick tip shaper.”

Claims 13-18 are amended to call out which method step is particularly altered by the dependent claim.

Claims 16 and 17 are amended to replace the term “base” with the term “base member.”

Finally, a number of other amendments are made to Claims 10, 12, and 14 to clarify their language.

With the foregoing amendments, the Objections to Claims 4-18 should be addressed.

#### *Rejection Under 35 U.S.C. §112, Second Paragraph*

Claims 13-18 stand rejected under 35 U.S.C. §112, second paragraph as being vague for not clarifying what method step is being claimed. Claims 10 and 11 are amended to include the step of “providing” an apparatus which is utilized in the Claims. Claims 13-18 are amended to call out which method step is particularly altered by the dependent claim. Thus, the recitations of dependent Claims 13-18 clearly refer to further defining the apparatus that is identified in the “providing” step in Claims 10 and/or 11. Therefore, Claims 13-18 are not vague, and conform with the requirements of 35 U.S.C. §112, second paragraph.

#### *Anticipation and Obviousness*

Claims 1-3, 5-7, 10-13 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Low (U.S. Patent No. 790,143). Independent Claims 1 and 10 as amended, however, are patentable over Low because the Claims include the recitation that each of the articulable guides is “independently slidable relative to the base.”

Amended Claim 1 is directed to a cue stick shaper that includes a base and an arrangement of articulable guides for receiving and aligning a cue stick tip. Each guide is “independently slidable relative to the base.” In contradistinction, Low is directed to a cue

trimmer that has members 9 that are directly connected to members 5 and cross member 6 (see Low, FIGS. 1, 2, 4, and 8; and lines 52-54). In no way can members 9 “slide” relative to the cross member 6. Thus, Low does not teach that each guide is “independently slidable relative to the base.” Claim 1 is, therefore, not anticipated by the reference.

Amended Claim 10 is directed to a method of shaping a tip of a cue stick. The method includes providing a pair of articulable guides that are each independently slidable relative to a base member. A tip is inserted between the guides and the guides are moved to accommodate the diameter of the cue stick tip. The cue stick is rotated along its longitudinal axis while the tip contacts the scuff surface to shape the tip substantially concentrically relative to the cue stick axis.

Since the method includes providing guides that are each independently slidable relative to a base member, Claim 10 is patentable over Low for the same reason that Claim 1 is patentable.

Furthermore, Claim 10 is also patentable because the Claim is directed to a method of shaping a tip “substantially concentrically relative to the longitudinal axis of the cue stick.” As stated in the application, the “perpendicularity of the shaft to the scuff surface” is insured by the “floating nature of the guides relative to the base” (see page 16, lines 16-18). In particular, when a cue stick tip is inserted between the guides and the tip is rotated, the base is free to move relative to the guides because of the elongated holes in the base through which the screws that attach the guides are threaded. The base naturally positions itself so that the scuff surface is concentrically centered on the axis of the cue stick as the tip is shaped.

In contradistinction, Low’s apparatus does not shape the tip substantially concentrically relative to the axis of the cue stick. The flexibility of guides 9 in FIGS. 1, 2, 4, and 8 of Low allow a cue stick to be inserted at a slight angle. Thus, the end of the tip is not necessarily shaped concentrically with respect to the axis of the stick. Such deviation, albeit seemingly small, can result in a noticeable effect on players’ shots during billiard games. Thus, Low fails to teach this recitation of Claim 10. Clearly, Claim 10 is patentable over Low.

Since Claims 2-3, 5-7, 11-13 and 18 all ultimately depend from either Claim 1 or 10, the Claims are also not anticipated by Low for substantially the same reasons. Furthermore, Claims 3 and 6 are not anticipated by Low because the reference does not teach (i) a guide that includes

a lubricious material (Claim 3); and (ii) that each of the guides is slidable with respect to each other (Claim 6).

Claims 8 and 14, dependent from Claims 1 and 10, respectively, stand rejected under 35 U.S.C. §103(a) as being obvious over a combination of Low and Willard (U.S. Patent No. 4,594,782). Willard like Low, however, does not teach (i) that each guide is “independently slidable relative to the base” and (ii) a method of shaping a tip that is “substantially concentrically relative to the longitudinal axis of the cue stick.” Indeed, Willard has no structure that corresponds with the “guides” of the pending claims. FIG. 3 of Willard shows the disadvantage of its device requiring the cue stick be kept perpendicular to the plane of the device, else the tip shape would not be concentric with respect to the axis of the stick. Since the combination does not teach all the elements of the independent claims, Willard and Low cannot render Claim 8 or 14 obvious.

Claims 9 and 15, dependent from Claims 1 and 10, respectively, stand rejected under 35 U.S.C. §103(a) as being obvious over a combination of Low, Willard, and Kratfel (U.S. Patent No. 4,785,586). Kratfel, like Low and Willard, also lacks the necessary teachings of Claims 1 and 10. Kratfel is drawn to a device that has a single diameter sized orifice for shaping the tip of a cue stick (see Kratfel, FIG. 3). The structures revealed lack any showing of a “guide” element. Kratfel also lacks the ability to accommodate varying cue diameters. Stick diameters smaller than the diameter of the orifice would be very susceptible to developing non-concentrically shaped tips since the stick would not be easily be kept parallel to the axis of the device. Thus, the combination of Low, Willard, and Kratfel cannot teach all the elements of the independent claims. Therefore, Claims 9 and 15 are not obvious in light of the cited combination.

#### *Allowable Claim 4*

Applicant acknowledges the allowability of former Claim 4 if rewritten in independent form including all the limitations of the base claim and any intervening claims. In light of the amendments and remarks presented, it is maintained that Claim 4 as currently amended is also allowable.

*New Claim 19*

New Claim 19 is drawn to a method of shaping a tip of a cue stick. Claim 19 is patentable over the cited art because the Claim includes the recitation that the method shapes the "tip substantially concentrically relative to the longitudinal axis of the cue stick." As discussed earlier, none of Low, Willard, and Kratfel teach this element of the Claim.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Charlton Shen

Registration No. 54,442

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: *13 June 2005*

**Amendments to the Drawings**

Appended to this paper is a replacement sheet for drawing sheet 2. In particular, reference numerals "28" and "20" of FIG. 4 are replaced with reference numerals -- 38 -- and -- 44 -- respectively, in accordance with the suggestion in the pending Office Action. Also the position of holes 40 and 46 are moved to the opposite corner of the respective guides to accurately depict a bottom view of the first and second guides.

Attachment: Replacement Sheet  
Annotated Marked-Up Drawing

